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June 26, 2024

VIA ECF

Hon. Margaret M. Garnett
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *Mondano v. David C. Banks et al.*, 24-cv-3266 (MMG)

Dear Judge Garnett:

As Your Honor is aware, the undersigned represents the Defendants in the above-referenced matter. I am writing on behalf of both parties to respectfully request that the Court hold in abeyance the attorneys' fees briefing currently scheduled to begin on June 28, 2024, to allow the parties time to engage in settlement discussions regarding the same.

As background, Plaintiffs initiated this action under the Individuals with Disabilities Education Act ("IDEA"), seeking enforcement of a pendency placement order and a preliminary injunction to fund the Student-Plaintiff's tuition and related services, including special transportation. (ECF No. 1). The Complaint also sought to appeal State Review Officer ("SRO") Decision Number 23-312. (*Id.*). Subsequently, Plaintiffs withdrew their application for a preliminary injunction, as the Defendants fully funded the relief sought. (ECF No. 22). Following this, the Court issued an order denying the preliminary injunction as moot and canceling the associated hearings and deadlines, and ordered Plaintiffs to file a motion for attorneys' fees by June 28, 2024, leaving attorneys' fees as the only remaining issue. (ECF No. 23).

In light of the current status, the parties believe that all claims are moot aside from attorneys' fees, and that settlement discussions on attorneys' fees would be beneficial and could resolve the matter without further litigation. Therefore, the parties request the Court's approval to pause the briefing schedule to facilitate these discussions. We propose to provide the Court with a status update on these settlement discussions within 60 days or request to reinstate a briefing schedule for the Plaintiffs to file their motion for attorneys' fees.

Thank you for your consideration.

Respectfully,

/s/

David Kaplan
Assistant Corporation Counsel

CC: BY ECF
All counsel of record

Request GRANTED. The deadline for Plaintiffs to file their motion for Plaintiff to submit an application for attorneys' fees, as set out in the Court's order at Dkt. No. 23, is extended *sine die*. The parties are directed to file a joint status letter by **August 26, 2024**, setting out the status of settlement discussions and, if appropriate, requesting a schedule to make an application for attorneys' fees. The Clerk of Court is directed to terminate Dkt. No. 24.

SO ORDERED. Date 6/27/2024


HON. MARGARET M. GARNETT
U.S. DISTRICT JUDGE